Social Services Appeal Board of Saskatchewan

Annual Report

1999 - 2000

101-00944/

Letter of Transmittal

Honourable Harry Van Mulligen
Minister of Social Services

Dear Mr. Van Mulligen:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2000.

Elaine Pederson
Chairperson

August 2000

PREFACE

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 1999 to March 31, 2000.

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MEMBERS OF THE BOARD

1999 - 2000

Chairperson: Elaine Pederson

Members:

Lynn Brown
Arla Gustafson
Ruth Fiddler
Martin Aubichon
Joanne Tappin
Richard Redman
Gerry Cooke
Idella Barr

Chairperson and Board members are independent of the Department of Social Services. Appointments are made by Order-in-Council and are for a term of two years.

Gloria Edwards is the board secretary in Regina.

Yvonne Brandsema is the board secretary in Saskatoon.

INTRODUCTION

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the regulations of the Saskatchewan Assistance Plan.

Legal authority is provided by *The Department of Social Services Act R.S.D. 1978, Section 10; The Saskatchewan Assistance Act R.S.S. 1966, Section 14(m)(n), 15-18; the Saskatchewan Assistance Plan Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in the three tiered appeal process established under the regulations. The first level of appeal is to the regional director and any dissatisfied client may appeal to this level. Once the regional director has taken a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the regional director and are heard by a Local Appeal Committee. Depending on the decision of the Local Appeal Committee, either the client or the regional director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the department may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, she may investigate the matter and advise the board if she believes the claim to be substantiated.

LOCATION OF HEARINGS

Local hearings are held by the Local Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon usually with a panel of four to six persons. A quorum is three members.

The chairperson attends all appeal hearings and writes the decisions which are conveyed in writing to clients usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the regulations of the Saskatchewan Assistance Plan but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

CHAIRPERSON'S COMMENTS

During the 1999-2000 reporting period the Social Services Appeal Board received 172 appeal requests. Fifteen were withdrawn or denied. These numbers are similar to the previous years' total. Twenty-four meetings were held in Regina, twenty-nine in Saskatoon and one in Swift Current.

Client positions were upheld in 33.9% of the cases. This is a 5% increase from 1998-1999 and may be partially explained by many well-prepared arguments and the increased use of qualified advocates representing a variety of expertise and experience. Rural residents appear to have more limited access to these resources. The Department of Social Services has demonstrated a willingness to cover the costs of out-of-town advocates but availability appears to be the major problem.

As in previous years, the majority of appeals dealt with Regulation 6(b). This regulation requires clients to do all they can to become, or remain, self-supporting. It is used in a broad range of situations but the most common is termination of employment or schooling.

The board heard a significant number of complaints regarding the current student loan program. While the Department of Social Services is not directly involved, the policies employed by the lending institutions impact many clients. The board will be interested to see if recent changes will have positive effects. Access to educational and vocational training opportunities is increasingly important and is a vital component in a client's efforts towards self-sufficiency. The board sees a need for a more flexible approach when dealing with many case plans proposed by clients.

Clients appeal for many reasons and the specific reasons are recorded and reported. Regardless of the primary reason for appeal, it is very seldom that clients do not refer to the high cost of housing. Most of the individuals who appear before the board pay more than the current shelter allowance, and in most cases the board is satisfied there is no alternative. Requests for excess shelter

allowances are routinely considered. The problem is no longer limited to Regina and Saskatoon, smaller centres are also experiencing shortages of safe, affordable housing. The board encourages the Department of Social Services to consider innovative approaches to solving this serious problem.

During 1999-2000 the chairperson and some board members were able to take advantage of training seminars offered by the provincial administrative tribunal association. These sessions are extremely valuable and essential in ensuring board members continue to make informed, fair decisions.

TABLE 1

STATISTICS

Number of Local and Provincial Appeals heard over the period 1994-95 to 1999-2000

	Local	Provincial
1994 - 1995	387	123
1995 - 1996	397	116
1996 - 1997	537	173
1997 - 1998	428	140
1998 - 1999	482	179
1999 - 2000	481	172

TABLE 2

LOCAL APPEALS: LOCATION AND DISPOSITION 1999 - 2000

Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Department	Total
Regina	21	130	149
Saskatoon	37	126	142
Southeast	0	11	13
Southwest	0	21	21
Northeast	20	78	98
Northwest	8	50	58
Total	86	416	481

Note: Totals may not balance because one appeal may result in more than one decision.

TABLE 3

SOURCE OF PROVINCIAL APPEALS 1999 - 2000

Region	Appealed by Client	Appealed by Director	Total
Regina	60	8	68
Saskatoon	32	16	48
Southeast	3	1	4
Southwest	8	0	8
Northeast	22	4	26
Northwest	12	6	18
Total	137	35	172

Note: ***8 requests for appeals were denied***
7 appeals were withdrawn

TABLE 4

PROVINCIAL APPEALS 1999 - 2000

Summary by Region

REGION	CLIENT SOURCED DECISION		DIRECTOR SOURCED DECISION	
	For Client	Against Client	For Director	Against Director
Regina	11	43	3	5
Saskatoon	9	21	7	12
Southeast	0	1	1	0
Southwest	0	8	0	0
Northeast	7	14	2	4
Northwest	6	10	4	2
Total	33	97	17	23

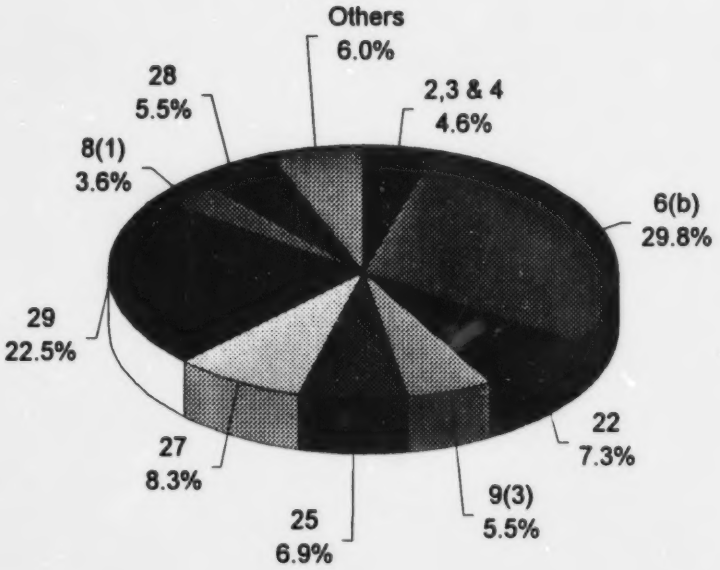
The number of appeals received and the number of decisions is not equal due to denials, withdrawals and split decisions.

Table 5

Social Services Appeal Board - Appeals by Reason

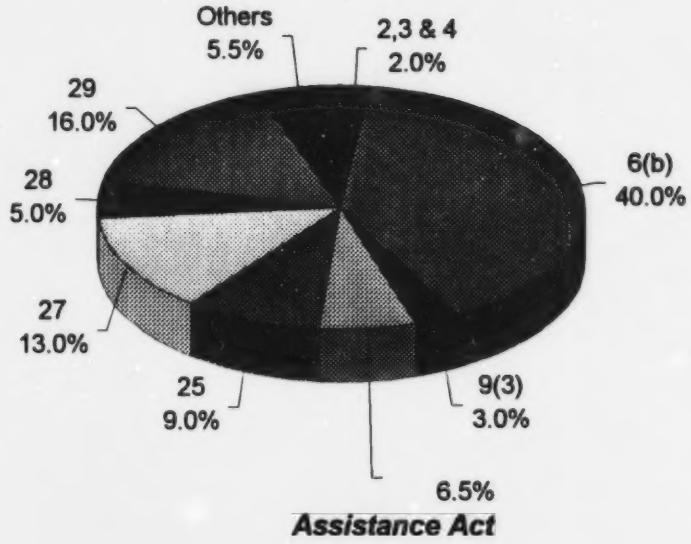
(the segments represent the SAP Regulation appealed)

1998-1999



27	special needs
28	income exemptions
29	excess income or assets
Others	includes Off Reserve funding, failure to co-operate, benefits for farmers, university students, right to appeal

1999-2000



2,3 & 4	common-law, etc
6.(b)	failure to explore every possibility of self-support

Sask. Assistance Act - Section 29.3, 29.5 - overpayments

25	basic needs, food, clothing, shelter
9(3)	method of calculating entitlement

TABLE 6

APPEAL BOARD MEETINGS

Provincial Appeals Heard in Regina and Saskatoon

1996-97 to 1999-2000

	REGINA		SASKATOON	
	Meetings	**Cases Heard**	**Meetings**	**Cases Heard**
1996 - 97	25	82	26	91
1997 - 98	18	58	21	67
1998 - 99	25	69	30	93
1999 - 00	25*	72	29	83

*** One meeting was held in Swift Current**

TABLE 7

THE PROVINCIAL OMBUDSMAN

Clients who are dissatisfied with the decision of the ***Social Services Appeal Board*** may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Department of Social Services will also be advised. The Department may then initiate action which satisfies the client.

1999 - 2000

Cases Opened	Cases Closed	Not Substantiated	Substantiated & Rectified	Substantiated & Unresolved	Discontinued
12	8	8	0	0	0

Cases outstanding April 1, 1999 - 9
Cases outstanding March 31, 2000 - 11